



Docket No.: 103-1004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hyeong-Min AHN et al.

Application No.: 10/790,791

Confirmation No.: 4385

Filed : March 3, 2004

Group Art Unit: 2873

Customer No. : 38209

Examiner: Joseph P. Martinez

For: OPTICAL SYSTEM WITH IMAGE PRODUCING SURFACE CONTROL UNIT

Mail Stop Issue Fee
Commissioner for patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 1.104**

Sir:

The Examiner provided a Statement of Reason for Allowance in the Notice of Allowance and Fee Due, mailed December 22, 2006, in which the Examiner indicated that "applicant's arguments are deemed persuasive and furthermore, the prior art taken alone or in combination fails to anticipate or fairly suggest the limitations of the claims, in such a manner that a rejection under 35-USC 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 1, 11, 16 and 28."

As specified in MPEP 1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." It is respectfully submitted that the Examiner's Statement is not an accurate quote with respect to each of the allowed claims, and instead, raises "possible misinterpretations, and possible estoppel effects" (MPEP 1302.04) and accordingly, should be disregarded.

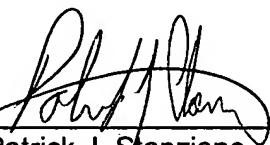
The Examiner's statement appears to unnecessarily limit the claims to, for example, the Examiner stated that Carlton et al. fails to explicitly teach a combination of all the claimed features as presented in independent claims 1, 11, 16 and 28. However it is respectfully

submitted that Carlton et al. fails to explicitly and inherently disclose, teach, and suggest the features as recited in the respective claims. While being useful in understanding the invention, the Examiner's comments could lead to an unwarranted and unnecessary narrowing interpretation of the claims. Therefore, it is further submitted that the claims should not be interpreted based on the Examiner's statement.

It is further submitted that the claims are not constrained by such device limitations and that the claims speak for themselves as to what features are included therein and are their own best evidence as to the reasons for allowance of same.

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